

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ADRIAN DEVON MURRAY,)
)
Petitioner,)
)
v.) **1:06CV348**
)
THEODIS BECK, Secretary of)
the Department of Correction,)
)
Respondent.)

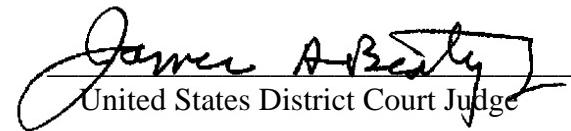
O-R-D-E-R

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on February 6, 2007, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Respondent's motion to dismiss [Pleading No. 6] be **GRANTED** and that this action be dismissed as time-barred. **IT IS FURTHER ORDERED** that Petitioner's motion to amend [Pleading No. 13] is **DENIED** as futile. A judgment dismissing this action will be entered contemporaneously with this Order. Finding

no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.



James A. Beasy
United States District Court Judge

Date: December 26, 2007